

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-580

May 30, 2001

PUBLIC UTILITIES COMMISSION
Investigation of Central Maine Power
Company's Stranded Costs, Transmission
and Distribution Utility Revenue Requirements,
and Rate Design
(Interstate Brands Corporation Mitigation)

ORDER GRANTING
APPROVAL OF
CONTRACT
AMENDMENT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY OF DECISION

By this Order, we grant final approval of the amendment to the Customer Service Agreement (CSA) between Central Maine Power Company (CMP or the Company) and Interstate Brands Corporation (IBC) filed with the Commission on May 15, 2001.

DISCUSSION AND DECISION

On May 15, 2001, Central Maine Power Company (CMP) filed with this Commission a proposed amendment to its Customer Service Agreement with Interstate Brands Corporation (IBC). This amendment was filed to comply with the Commission's May 3, 2001 Order on Reconsideration in the instant docket that requires CMP to reduce the distribution rates of certain CSAs by up to 0.8 ¢/kWh for the period April 15, 2001 through February 28, 2002. In its Order, the Commission specified that this mitigation should apply only to those contracts entered into between CMP and the customer by April 20, 2001.

In order to resolve a question regarding the termination date of the prior CMP and IBC CSA¹, however, the parties entered a new CSA on April 27, 2001.² Because this date is after the Commission's stated deadline of April 20, 2001, it does not strictly fall within the scope of those contracts that should be mitigated under the provisions of the Commission's Order. Nonetheless, we will grant approval of this contract amendment for two reasons. First, it appears there was a legitimate question as to the termination date of the original contract. If IBC is correct and the contract did not

¹ According to CMP, the version of the CSA that CMP believed was in effect (and that was approved by the Commission) had a termination date of December 31, 2000. The customer's version had a termination date of December 31, 2002.

² Approved by the Commission on May 30, 2001 in Docket No. 2001-308.

terminate until December 31, 2002, then our May 3, 2001 Order requires a 0.8 ¢/kWh reduction to IBC's rate. Second, the April 27, 2001 contract contains the same provisions as the prior contract, except for clarifying the termination date. Therefore, without the mitigation, IBC would presumably be subject to the same rate shock that we designed our May 3, 2001 Order to mitigate for other special rate contract customers.

Therefore, we grant final approval of this amendment to the CSA pursuant to 35-A M.R.S.A. § 703(3-A).³

Dated at Augusta, Maine, this 30th day of May, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

³ Because the copy filed with the Commission on May 15, 2001 was unsigned by IBC, our approval is conditioned on the final, executed version being identical to the version filed by CMP on May 15, 2001, modified only by inclusion of the signatures. The Company must file copies of the executed versions with the Commission upon their completion.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.